

REMARKS/ARGUMENTS

I. Status of the Application

Claims 1- 10 are pending in this application and currently under examination. Applicant notes with appreciation the examiner's acknowledgement of the priority claim and the initialed copy of the Form PTO-1449.

II. The Claims are Novel and Nonobvious

Claims 1-5 and 7-10 stand rejected under 35 U.S.C. § 35 U.S.C. § 103(b) as allegedly anticipated, or in the alternative under 35 U.S.C. § 35 U.S.C. § 103(a) as obvious over the Bois patent (U.S. Patent No. 6,085,491). Claim 6 also stands rejected under 35 U.S.C. § 35 U.S.C. § 103(a) as allegedly unpatentable over Bois.

The claims are directed to methods of sealing a reclosable fastener to a substrate and apparatus for accomplishing the same. The method claims are more particularly directed to such methods which comprise presenting the lengths of fastener on the substrate by attaching them to the substrate so as to leave a body of the fastener free for movement, and passing the combination between a pair of sealing jaws which are displaceable relative to the combination to effect a sealing of the substrate to the fastener body when moved into contact therewith. Claims are further directed to methods wherein the length dimension of the sealing jaws is such as to form the substrate around the body of the fastener, and to methods which include locating the fastener between two substantially parallel webs of material and initially attaching the lengths of fastener only to the inside of one of the webs of material.

It should be noted that the particular technical problem set forth at page 1, line 12 to 21, is addressed and solved in various embodiments of the instant invention. Specifically, the problem is one of damage and/or distortion of a zipper strip when it is applied to a film or web by the application of heat and/or pressure. This problem of damage to a zipper when it is attached to a web by such heat and pressure is not only disadvantageous; but is common with the use of packaging machinery, which must operate at high speed and great reliability.

The inventors have solved this problem through the combination of features in the method of claim 1, and also through the novel combination of features in the apparatus of claim 7. In part, resolution of the problem is related to the feature of attachment so as to

leave a body of the fastener free for movement, followed by sealing of the body to a substrate using sealing jaws that are longer than the body along the path of movement of the combination of the substrate and the attached fastener. Accordingly, damage to the fastener is avoided. The problem addressed by the invention is therefore solved in a manner which is thus entirely novel and non-obvious over the Bois patent.

In particular, the Bois patent does not anticipate the instant invention because it does not expressly or inherently teach each and every element of the claimed invention. For example, the Office Action makes particular reference to figure 9 of Bois. According to Figures 7 to 9 and as described, for example in column 6, line 50 to column 7, line 13 of Bois a continuous reclosable fastener strip 70 is inserted at a station 68 of a packaging system into the mouth 44 of a the bag 42. It is important to note that there is no attachment of the strip 70 to the material of the bag 42. Instead, the sides of the mouth of the bag are merely pressed towards each other against the strip 70 by two external pressing rollers 76. Note disclosure at column 6, lines 62 -63 wherein it is stated:

“...the bag is released from the shaping unit (66), and the sides adjacent to the mouth are pressed toward one another against the strip (70) by means of two pressing rollers (76), only one of which can be seen in FIG. 7.”

Of course, not only is there is no disclosure of attachment of the strip to the bags, there is certainly no disclosure of any attachment which leaves a body of the fastener free for movement, relative to the bag.

Claim 1, the method claim, expressly requires the step of:

“...locating the lengths of the fastener on the substrate *by attaching them* to the substrate so as to leave a body of the fastener *free for movement*, . . .”(emphasis added).

Neither attachment to the substrate of the bag, not doing so in a manner which leaves the body free for movement are disclosed or suggested by Bois. Accordingly, claim 1 is not anticipated by Bois. The rejection is improper and accordingly, must be withdrawn.

Additionally, the method is nonobvious over Bois, because Bois completely lacks any teaching or suggestion of any step for locating the fastener lengths by either attaching them to the substrate, or attaching them in a way so as to leave the body free for movement. The skilled artisan would not have been motivated by Bois to modify Bois to arrive at the present

claimed methods. Accordingly, the *prima facie* case of obviousness is rebutted, and the rejection should be withdrawn.

Since claim 1 is both novel and nonobvious, the claims that depend from it are necessarily also novel and nonobvious, accordingly, the rejection with respect to claims 2-6 should likewise be withdrawn.

Claim 7 is directed to an apparatus for sealing reclosable fasteners to a substrate. In particular, claim 7 expressly requires:

“. . . means for attaching the lengths of fastener on the substrate by attaching them to the substrate so as to leave a body of the fastener free for movement, . . .” (emphasis added).

In a similar analysis as presented with respect to method claims 1-6, claim 7 is neither anticipated by nor obvious over Bois because Bois does not teach or suggest any limitation which corresponds to the means for attaching the fastener so as to leave a body of the fastener free for movement, as the claim plainly requires. The skilled artisan would not be motivated from the teachings of Bois to modify Bois to arrive at the apparatus of claim 7. Accordingly, the claims are neither anticipated under 35 U.S.C. § 35 U.S.C. § 102(b) nor obvious under 35 U.S.C. § 35 U.S.C. § 103(a), and these rejections must likewise be withdrawn

III. Conclusion

Applicant respectfully requests reconsideration in view of the above remarks distinguishing the instant claims from the cited Bois reference. Applicant asserts that the claims are currently in condition for allowance. An early and favorable action to that end is earnestly solicited. The Examiner is invited to contact Applicant's undersigned representative to resolve any outstanding issues or advance the prosecution of this case. Applicant's representative can be reached by email at sscioli@woodcock.com, or by telephone at 215-557-5986.

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